

REMARKS

This reply is supplemental to the reply filed on July 14, 2008. In this reply, following the Examiner's suggestion, further arguments have been made on patentability of new claims 37-48 which have been added by way of the reply filed on July 14, 2008. Please reconsider the application in view of the arguments below, and the previously-made amendments and remarks in the reply filed on July 14, 2008. Applicant thanks the Examiner for carefully considering this application.

New claims**Claims 39**

New claim 39, which is directed to a recordable medium to which data delivered through a network is written by a writer device, includes, in part, the limitations of "a storage space; (A) wherein the data is written only once in a writable storage area, where data has not been written, of said storage space, (B) wherein said storage space of said recordable medium is divided into a predetermined number of storage areas, and (C) wherein the writing device consumes the storage areas in accordance with a value of a content corresponding the data when the writing device writes the data to said recordable medium." Therefore, the claimed invention requires "*the data is written only once in a writable storage area, where data has not been written, of a storage space of the recordable medium,*" and "*the storage areas are consumed in accordance with a value of a content corresponding the data when the writing device writes the data to said recordable medium.*"

Due to these features, in the claimed invention, the criterion regarding, whether data may be written into the medium or not, is necessarily dependent on “a *value of a content* corresponding the data” (for example, whether a writable space is left or not). As a result, the claimed invention can achieve a high security to prevent forgery and the like without complicated security data communication, for example, between a user and a service provider.

Japanese Patent Application Publication No. H8-77263 (“Fujitsu”) shows a medium including a software and information for setting the number of time the software is allowed to use. However, the medium shown in Fujitsu does not include at least the features, “data is *written only once in a writable storage area, where data has not been written*, of a storage space of said recordable medium,” and “*the storage areas is consumed in accordance with a value of a content* corresponding the data when said writer unit writes the data to said recordable medium,” as required by the claimed invention.

U.S. Patent Application Publication No. 2003/0041123 (“Sato”) also fails to show or suggest at least the above features, as required by claim 39. The system shown in Sato does not apply regarding criteria about whether data may be written into the medium or not is necessarily dependent on whether a writable space is left or not, as does the claimed invention. Instead, Sato actually employs logic for security data communication between a user and a service provider, which is inherently different from the security principle of the claimed invention.

Accordingly, new claim 39 is patentable over Fujitsu and Sato because, whether considered separately or in combination, the references fail to show or suggest all of the limitations of the claim. Claim 39 is also patentable over U.S. Patent No. 6,031,815 (“Heemskerk”), U.S. Patent No. 6,144,992 (“Turpin”), U.S. Patent Application Publication No. 2005/0196129

("Kobayashi"), U.S. Patent Application Publication No. 2004/0199687 ("Hsu"), U.S. Patent Application Publication No. 2004/0133550 ("Okamura"), U.S. Patent No. 6,587,403 ("Keller"), U.S. Patent Application Publication No. 2004/0111250 ("Hensley"), "DiscJuggler User's Guide" (January 24, 2003), U.S. Patent No. 5,886,275 ("Kato"), U.S. Patent Application Publication No. 2004/0210646 ("Sushima"), or U.S. Patent No. 7,206,821 ("Moritomo"), because none of the references provides that which Fujitsu and Sato lacks with respect to the new claim.

Claim 40

New claim 40, which is directed to a server that delivers data to be written to a recordable medium by a writer unit through a network, requires that the recordable medium includes a storage space, and (A) *wherein the data is written only once in a writable storage area, where data has not been written, of said storage space*, (B) *wherein said storage space of said recordable medium is divided into a predetermined number of storage areas*, and (C) *wherein the writing device consumes the storage areas in accordance with a value of a content corresponding the data when the writing device writes the data to said recordable medium.*" Therefore, the claimed invention requires *"the data is written only once in a writable storage area, where data has not been written*, of a storage space of the recordable medium," and *"the storage areas are consumed in accordance with a value of a content corresponding the data when the writing device writes the data to said recordable medium."*

Due to these features, in the claimed invention, the criterion regarding, whether data may be written into the medium or not, is necessarily dependent on *"a value of a content corresponding the data"* (for example, whether a writable space is left or not). As a result, the

claimed invention can achieve a high security to prevent forgery and the like without complicated security data communication, for example, between a user and a service provider.

Fujitsu shows a medium including a software and information for setting the number of time the software is allowed to use. However, the medium shown in Fujitsu does not include at least the features, “data is written only once in a writable storage area, where data has not been written, of a storage space of said recordable medium,” and “the storage areas is consumed in accordance with a value of a content corresponding the data when said writer unit writes the data to said recordable medium,” as required by the claimed invention.

Sato also fails to show or suggest at least the above features, as required by claim 40. The system shown in Sato does not apply regarding criteria about whether data may be written into the medium or not is necessarily dependent on whether a writable space is left or not, as does the claimed invention. Instead, Sato actually employs logic for security data communication between a user and a service provider, which is inherently different from the security principle of the claimed invention.

Accordingly, new claim 40 is patentable over Fujitsu and Sato because, whether considered separately or in combination, the references fail to show or suggest all of the limitation of the claim. Claim 39 is also patentable over Heemskerk, Turpin, Kobayashi, Hsu, Okamura, Keller, Hensley, DiscJuggler User’s Guide, Kato, Sushima, and Moritomo, because none of the references provide that which Fujitsu and Sato lacks with respect to claim 40.

Claims 42

New claim 42, which is directed to a memory cartridge used for a content delivery system, includes the limitations of “a memory cartridge having a proprietary interface for

accessing data contained therein,” “a content using system which is distributed to a user of said content and provided with a first proprietary connector compatible with and connectable to said proprietary interface of said memory cartridge for reading content therefrom and using the content,” “a content server connected to a network and providing a content delivery service on the network,” and “a writer having a facility for receiving content from said content server through the network, provided with a second proprietary connector compatible with and connectable to said proprietary interface, and configured to write the content to said memory cartridge,” and “wherein said writer writes the content only once in a writable storage area of said memory cartridge where data has not been written, only when said memory cartridge is appropriate for said content delivery system.”

Applicant respectfully notes that the above features of the claimed invention substantially require providing the memory cartridge with a specific proprietary interface with respect to which the connectors of the content using system and the writer are compatible and physically and electrically connectable.

In contrast, Sato shows a communication system including a website server, an optical disc, *etc.* However, Sato fails to teach or suggest at least the following limitations as required by the claimed invention.

Firstly, the claimed invention requires “a memory cartridge having a proprietary interface for accessing data contained therein.” Contrastly, in the system shown in Sato, no data storage medium, such an optical disc, includes any interface for accessing data contained therein. Applicant respectfully notes that the I/O interface 67 shown in Sato is provided as a part of a user terminal, but not a part of any data storage medium. Therefore, Sato fails to show or suggest a memory cartridge as required by the claimed invention.

Secondly, the claimed invention requires “a writer writes the content only once in a writable storage area of said memory cartridge where data has not been written, *only when said memory cartridge is appropriate for said content delivery system.*” In other words, the claimed invention, writing to the memory storage is permitted only when memory cartridge as hardware is appropriate. In contrast, in the system of Sato, recording process may be performed merely depending on data structure as software in a storage medium such as an optical disc. Therefore, Sato also fails to show or suggest the feature, “a writer writes the content only once in a writable storage area of said memory cartridge where data has not been written, *only when said memory cartridge is appropriate for said content delivery system,*” as required by the claimed invention. Accordingly, new claim 42 is patentable over Sato, because Sato fails to show or suggest all of the limitations recited in the claim.

Thirdly, in the claimed invention, as the protection is necessarily made by hardware such as the shape of the cartridge, it is difficult for end users to produce a replica. This is particularly true in view of the costs required versus cases where the protection is made by software, such as data encoding. This protection based on hardware may advantageously serve as a deterrent against unauthorized copiers who attempt to make replicas because the replicating process involves a higher cost than the mere copying of software.

Further, none of the references, Fujitsu, Heemskerk, Turpin, Kobayashi, Hsu, Okamura, Keller, Hensley, DiskJuggler User's Guide, Kato, Sushima, and Morimoto, provide that which Sato lacks with respect to claim 42. Thus, claim 42 is patentable over Morimoto, Heemskerk, Turpin, Kobayashi, Hsu, Okamura, Keller, Hensley, DiskJuggler User's Guide, Kato, Sushima, and Morimoto.

Claim 43

New claim 43, which is directed to a content using system for a content delivery system, includes the limitations of “a memory cartridge having a proprietary interface for accessing data contained therein,” “a content using system which is distributed to a user of said content and provided with a first proprietary connector compatible with and connectable to said proprietary interface of said memory cartridge for reading content therefrom and using the content,” “a content server connected to a network and providing a content delivery service on the network,” and “a writer having a facility for receiving content from said content server through the network, provided with a second proprietary connector compatible with and connectable to said proprietary interface, and configured to write the content to said memory cartridge,” and “wherein said writer writes the content only once in a writable storage area of said memory cartridge where data has not been written, only when said memory cartridge is appropriate for said content delivery system.”

None of the references, Fujitsu, Sato, Heemsker, Turpin, Kobayashi, Hsu, Okamura, Keller, Hensley, DiskJuggler User's Guide, Kato, Sushima, and Morimoto, show or suggest at least the above features, as required by the claimed invention.

Claim 44

New claim 44, which is directed to a content server for a content delivery system, includes the limitations of “a memory cartridge having a proprietary interface for accessing data contained therein,” “a content using system which is distributed to a user of said content and provided with a first proprietary connector compatible with and connectable to said proprietary interface of said memory cartridge for reading content therefrom and using the content,” “a content server connected to a network and providing a content delivery service on the network,” and “a

writer having a facility for receiving content from said content server through the network, provided with a second proprietary connector compatible with and connectable to said proprietary interface, and configured to write the content to said memory cartridge,” and “*wherein said writer writes the content only once in a writable storage area of said memory cartridge where data has not been written, only when said memory cartridge is appropriate for said content delivery system.*”

None of the references, Fujitsu, Sato, Heemskerk, Turpin, Kobayashi, Hsu, Okamura, Keller, Hensley, DiskJuggler User’s Guide, Kato, Sushima, and Morimoto, show or suggest at least the above features, as required by the claimed invention.

Claim 45

New claim 45, which is directed to a writing device for a content delivery system, includes the limitations of “*a memory cartridge having a proprietary interface for accessing data contained therein,*” “*a content using system which is distributed to a user of said content and provided with a first proprietary connector compatible with and connectable to said proprietary interface of said memory cartridge for reading content therefrom and using the content,*” “*a content server connected to a network and providing a content delivery service on the network,*” and “*a writer having a facility for receiving content from said content server through the network, provided with a second proprietary connector compatible with and connectable to said proprietary interface, and configured to write the content to said memory cartridge,*” and “*wherein said writer writes the content only once in a writable storage area of said memory cartridge where data has not been written, only when said memory cartridge is appropriate for said content delivery system.*”

None of the references, Fujitsu, Sato, Heemskerk, Turpin, Kobayashi, Hsu, Okamura, Keller, Hensley, DiskJuggler User's Guide, Kato, Sushima, and Morimoto, show or suggest at least the above features, as required by the claimed invention.

Claim 46

New claim 46, which is directed to a computer-readable medium encoded with a computer program which enables a content using system in a content delivery system to perform a process, includes the limitations of “a memory cartridge having a proprietary interface for accessing data contained therein,” “a content using system which is distributed to a user of said content and provided with a first proprietary connector compatible with and connectable to said proprietary interface of said memory cartridge for reading content therefrom and using the content,” “a content server connected to a network and providing a content delivery service on the network,” and “a writer having a facility for receiving content from said content server through the network, provided with a second proprietary connector compatible with and connectable to said proprietary interface, and configured to write the content to said memory cartridge,” and “*wherein said writer writes the content only once in a writable storage area of said memory cartridge where data has not been written, only when said memory cartridge is appropriate for said content delivery system.*”

None of the references, Fujitsu, Sato, Heemskerk, Turpin, Kobayashi, Hsu, Okamura, Keller, Hensley, DiskJuggler User's Guide, Kato, Sushima, and Morimoto, show or suggest at least the above features, as required by the claimed invention.

Claim 47

New claim 47, which is directed to a computer-readable medium encoded with a computer program which enables a content server to perform a process, includes the limitations of

“a memory cartridge having a proprietary interface for accessing data contained therein,” “a content using system which is distributed to a user of said content and provided with a first proprietary connector compatible with and connectable to said proprietary interface of said memory cartridge for reading content therefrom and using the content,” “a content server connected to a network and providing a content delivery service on the network,” and “a writer having a facility for receiving content from said content server through the network, provided with a second proprietary connector compatible with and connectable to said proprietary interface, and configured to write the content to said memory cartridge,” and “wherein said writer writes the content only once in a writable storage area of said memory cartridge where data has not been written, only when said memory cartridge is appropriate for said content delivery system.”

None of the references, Fujitsu, Sato, Heemskerk, Turpin, Kobayashi, Hsu, Okamura, Keller, Hensley, DiskJuggler User's Guide, Kato, Sushima, and Morimoto, show or suggest at least the above features, as required by the claimed invention.

Claim 48

New claim 48, which is directed to a computer-readable medium encoded with a computer program which enables a writing device to perform a process, includes the limitations of *“a memory cartridge having a proprietary interface for accessing data contained therein,” “a content using system which is distributed to a user of said content and provided with a first proprietary connector compatible with and connectable to said proprietary interface of said memory cartridge for reading content therefrom and using the content,” “a content server connected to a network and providing a content delivery service on the network,” and “a writer having a facility for receiving content from said content server through the network, provided with a second proprietary*

connector compatible with and connectable to said proprietary interface, and configured to write the content to said memory cartridge,” and “*wherein said writer writes the content only once in a writable storage area of said memory cartridge where data has not been written, only when said memory cartridge is appropriate for said content delivery system.*”

None of the references, Fujitsu, Sato, Heemskerk, Turpin, Kobayashi, Hsu, Okamura, Keller, Hensley, DiskJuggler User’s Guide, Kato, Sushima, and Morimoto, show or suggest at least the above features, as required by the claimed invention.

Claims 37, 38, and 41

New claims 37 and 38 indirectly depend from claims 21 and 23, respectively. As previously discussed above, amended claims 21 and 23 are patentable and, accordingly, the new claims 37 and 38 are patentable for at least the same reasons. Further, new claim 41 includes substantially similar limitations to claim 23. As discussed above, amended claim 23 is patentable. Accordingly, the new claim 41 is patentable for at least the same reasons.


In view of the above, new claims 37-48 are patentable over Fujitsu, Sato, Heemskerk, Turpin, Kobayashi, Hsu, Okamura, Keller, Hensley, DiscJuggler User’s Guide, Kato, Sushima, and Morimoto, because, whether considered separately or in combination, the references fail to teach or suggest all of the limitations of the claim. Thus, entry and favorable consideration of the new claims is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04995/240001).

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Respectfully submitted,

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